

INDIANA

PROBATION STANDARDS

APPROVED
BY
THE BOARD OF DIRECTORS
JUDICIAL CONFERENCE OF INDIANA
March 9, 2001
March 7, 2014

Indiana Judicial Center
30 S. Meridian Street
Suite 900
Indianapolis, Indiana 46204-3564
(317) 232-1313

I. Definitions

Supervising Judge: the judge, judges, board of judges, or chief judge responsible for the governance/oversight of the probation department.

Department: an adult and/or juvenile probation department (county, city or town) created by a court or division of a court authorized to impose probation that is directed by a chief probation officer.

Chief Probation Officer: a probation officer designated to direct and supervise the work of the probation department.

Probation Officer: an individual who is appointed by a court or division of a court authorized to impose probation who meets the requirements promulgated by the Board of Directors of the Judicial Conference of Indiana to perform the statutory probation functions mandated by Indiana law.

II. Indiana Probation Standards

A. Administration Standards

- 1.1 **Appointment and Authority of the Chief Probation Officer** -- The supervising judge shall appoint one chief probation officer to supervise the work of the probation department. The specific duties, responsibilities, and scope of authority of the chief probation officer shall be defined by the supervising judge.
- 1.2 **Communication to Staff** -- The chief probation officer shall assign duties and lines of authority within the department. The chief probation officer and supervisors shall provide advice and assistance to probation officers in the investigation and supervision of probationers.
- 1.3 **Policies and Procedures** -- The chief probation officer shall prepare a manual of policies and procedures for the operation of the department that is consistent with existing laws, local rules, policies adopted by the Judicial Conference of Indiana, and evidence-based practices. All written policies, procedures, rules and regulations should be dated, reviewed at least annually, approved by the court(s), and made available to department employees.
- 1.4 **Release of Information** -- Information contained in probation files is confidential and may only be released in accordance with state and federal laws, policies adopted by the Judicial Conference of Indiana, and local policies approved by the supervising judge.

Probation departments often are requested to provide information about cases under supervision, and it is important that policies exist within the department to specify what information can be provided, who shall provide the information, and how it should be provided. Additionally, information is routinely provided to other departments, agencies or courts. If the release of probation records is not governed by state or federal law, the supervising judge determines the policy regarding the release of information.

- 1.5 **Annual Operations Report** -- The chief probation officer shall prepare an annual report that summarizes the department's statistics, programs and services.

A report of this nature is informative to the supervising judge as well as local government officials and the public. It provides a current assessment of workload and related activities and facilitates the planning process. The report affords the opportunity to address the requirements of staffing, equipment, and operating costs. Used in conjunction with the workload measures formula, the report serves as an aid for funding requests.

- 1.6 **Departmental Staffing and Resource Needs Assessment** -- The chief probation officer shall conduct an annual assessment of needs for the department.

This assessment affords the opportunity to address the requirements of staffing, equipment, and operating costs. Used in conjunction with the workload measures formula it serves as an aid for funding requests.

1.7 Program/Services Needs Assessment -- The chief probation officer shall prepare an annual assessment of the collective needs of probationers under his/her jurisdiction.

A review of this nature requires statistical analysis and discussion with probation officers and treatment providers. Once a department is fully aware of the needs of its service population, it can develop appropriate strategies to meet those needs.

1.8 Absence of the Chief Probation Officer -- The chief probation officer shall prepare a written contingency plan providing for the exercise of authority in his or her absence.

A predetermined and clearly understood course of action assures the continued functioning of the department.

1.9 Records Management -- Departments shall adopt policies regarding the management of case records in accordance with Indiana Supreme Court Administrative Rules.

The management of court records, including probation records, is governed by Administrative Rule 6 (Court Case Records Media Storage Standards), Administrative Rule 7 (Judicial Retention Schedules) and Administrative Rule 9 (Access to Court Records). Probation officers shall maintain the security of probation records.

1.10 Records Regarding Fees -- Departments shall maintain accurate records of fee collections according to statute and procedures established by the Indiana State Board of Accounts.

If the department collects fees, the maintenance of accurate records is essential to maintain public confidence and ensure the integrity of the department and the judiciary.

1.11 Hiring Probation Officers -- The chief probation officer shall recommend for appointment appropriate candidates for the position of probation officer and other staff positions within the department.

1.12 Work Performance -- Departments shall annually evaluate and verify each staff member's continued suitability for employment.

Performance expectations should be clearly defined and communicated to staff, conducted through a review of work product and direct observation, and linked to evidence-based practices. Supervisory personnel should take appropriate corrective action when a staff member's performance fails to meet expectations.

1.13 Minimum Salary Schedule -- The chief probation officer shall maintain and review personnel records to assure compliance of the department with the minimum salary schedule adopted by the Indiana Judicial Conference.

Probation Officers' step increases shall occur on their anniversary date of employment.

1.14 Hours of Operation -- Departments shall adopt hours of operation that are sufficient to manage the service needs of the court.

The service needs vary by jurisdiction and by type of court. Provided that security needs are met, early evening hours are an effective means of increasing the likelihood of successful supervisions.

1.15 Safety and Security -- Departments shall have written policies and procedures addressing safety and security.

The Indiana Probation Safety and Security Manual approved by the Judicial Conference of Indiana consists of policy and procedure recommendations intended to provide a safer and more secure work environment for probation departments.

The manual is written in a manner that allows probation departments the ability to tailor the different chapters to the needs and philosophies of that department. Individual departments are encouraged to use this manual, in addition to other safety and security information, to meet their needs in the area of safety and security.

1.16 Budget -- The chief probation officer shall make recommendations to the supervising judge annually regarding personnel, supplies, operational costs and equipment needs of the department to assure the efficient operation of the department and the safety of the community.

1.17 Annual Compliance and Certification Reports -- The chief probation officer and supervising judge shall annually certify to the Indiana Judicial Center by March 1 compliance with annual continuing education requirements, compliance with the Minimum Salary Schedule, and that the county has adopted a plan for a consolidated department, as required by Administrative Rule 18.

1.18 Personnel Change Notification -- The chief probation officer shall report any changes in probation officer personnel to the Indiana Judicial Center within 30 days of the change occurring. The chief probation officer shall immediately report to the Judicial Technology and Automation Committee any personnel changes which may affect access to any statewide electronic applications.

Personnel changes reported to the Judicial Center include new hires, terminations, retirements, resignations, name changes, and changes in job title. The changes shall be reported on the form issued by the Judicial Center.

1.19 Discipline -- Departments shall adopt policies regarding discipline of probation officers and department staff.

The purpose of a disciplinary policy is to establish a consistent procedure for maintaining suitable behavior and a productive working environment in the workplace. Any policy created shall be consistent with the Code of Conduct for Probation Officers.

1.20 Annual Home Detention Report -- Departments shall annually report to the Indiana Judicial Center by October 31 regarding persons supervised by the department who were placed on home detention.

This report is submitted to the Indiana General Assembly annually as required by I.C. 11-13-1-9.

1.21 Case Audits and Quality Assurance -- Departments shall adopt policies and procedures to conduct case audits and IYAS/IRAS quality assurance.

Audits of case files should be conducted at least once a year and shall review case files for: properly administered IRAS/IYAS assessments, case plans linked to assessment

findings/criminogenic needs, appropriate use of incentives and sanctions, appropriate supervision levels based on assessment, programs/services matched to probationer risk levels.

1.22 Performance Measurement -- Departments shall collect performance measures data to document the outcomes of initiatives.

To establish a performance management system, departments should specify a goal and objective for each initiative, develop a logic model, develop a data collection plan, collect and analyze the performance data, and use the information to inform decision-making. The purpose of performance management is to measure the outcomes of initiatives, increase efficiency and effectiveness in service delivery, and report indicators of operations results.

1.23 Fidelity to Practices and Programs -- Departments shall administer assessments and behavioral interventions according to guidelines established by the developers.

Fidelity in community supervision is defined as the extent to which the delivery of an intervention adheres to the protocol or program model as intended by the developers of the intervention. Care should be taken to follow the core components of a program (such as duration and intensity, use of qualified personnel) to minimize the risk of reducing program effectiveness.

B. Certification & Training Standards

- 2.1 Certification -- All probation officers in Indiana shall be certified and meet all qualifications established by the Judicial Conference of Indiana.**
- 2.2 Qualifications -- A probation officer shall: (1) be at least twenty-one years of age; (2) be an American citizen; (3) have a baccalaureate degree from a college or university accredited by an accrediting organization recognized by the Council for Higher Education Accreditation; (4) be a person of good moral character; (5) take and pass an examination for prospective probation officers prior to employment or within six months from the date the person is first employed as a probation officer; (6) attend an orientation program conducted by the Indiana Judicial Center within one year from the date that the officer is employed.**

A person who submits an application to take the examination for prospective probation officers shall have a baccalaureate degree from an accredited college or university or be in the last semester of a baccalaureate degree program. A person may not serve as a probation officer until he or she receives a baccalaureate degree.

Good moral character is determined by a probation officer's appointing court. Under I.C. 11-13-1-1(c), probation officers serve at the pleasure of the appointing court.

Orientation includes administrative policies and other topics relevant to probation supervision in Indiana. The Judicial Conference of Indiana will be responsible for the training format. It is recommended that probation officers attend this orientation within six (6) months of the first day of employment.

The qualifications established by the Judicial Conference of Indiana shall be minimum qualifications only, and an appointing court may require higher qualifications for probation officers. The qualifications established by the Judicial Conference of Indiana became effective July 1, 1984. The qualifications shall not apply to persons who have been certified prior to July 1, 1984, as eligible to serve as probation officers in Indiana courts.

- 2.3 Continuing Education -- Probation officers shall obtain at least twelve hours of continuing education in each calendar year after certification as a probation officer. At least six hours of annual continuing education shall contain information on evidence-based practices in community supervision.**

Each chief probation officer and supervising judge shall certify to the Indiana Judicial Center, no later than March 1 of each year, those probation officers who have complied with the requirement during the previous year.

Training in evidence-based practices may include training in areas such as supplemental risk assessments, continuous quality improvement, motivational interviewing, cognitive behavioral programs, effective use of incentives and sanctions, targeting interventions through case planning, and skills training with directed practice. A department may develop training programs related to its goals, objectives, policies, and procedures. The training should meet staff needs, be available for all levels of staff, be reviewed regularly, and make use of community resources. Other conferences, workshops, institutes, university courses, and online trainings offered by organizations such as the Indiana

Judicial Center, National Institute of Corrections and the American Probation and Parole Association may be used upon approval of the appointing court(s).

The chief probation officer and the supervising judge shall approve course content eligible to comply with this requirement. Certification of compliance shall be reported to the Indiana Judicial Center annually.

- 2.4 **Lapse of Certification** -- A probation officer certified by the Judicial Conference of Indiana who is not employed as a probation officer in Indiana for longer than five (5) years loses certification status and shall complete all current certification requirements upon reappointment as a probation officer.
- 2.5 **Examination Failure** -- A person who fails the probation officer examination shall not be permitted to serve as a probation officer. The person is eligible to re-take the examination at the next available testing date.
- 2.6 **Subsequent Examination Failure** -- A person who fails the probation officer examination after a second attempt shall not be eligible to take the examination again or serve as a probation officer for one year after the date of the second examination.
- 2.7 **Revocation of Certification** -- A certified probation officer who has misrepresented or falsified information on the Application for Probation Officer Examination or material supporting the application or who has not completed the required annual continuing education hours shall be referred to the Probation Committee of the Judicial Conference of Indiana to determine if the probation officer's certification should be revoked.
- 2.8 **Chief Probation Officer Training** -- Each newly appointed chief probation officer shall attend a chief probation officer orientation approved by the Indiana Judicial Center.
- 2.9 **Staff Training on Programs and Services** -- Probation officers shall comply with recertification and ongoing training and performance standards for any program or service provided to probationers.

Maintaining the fidelity and integrity of programs and services provided to probationers is essential to ensure the maximum impact of the program or service. Complying with training, certification, and performance standards will raise the level of excellence of the service or program.

C. Preliminary Inquiry, Predispositional Report, and Presentence Investigation Standards

- 3.1 Preparation of Reports -- A probation officer shall prepare a preliminary inquiry (PI), predispositional report (PDR), and presentence investigation (PSI) when required by statute and/or when ordered by the court and shall follow standard formats as approved by the Judicial Conference Board of Directors.**

The purpose of a standard format for the PI, PDR, and PSI is to ensure the court is provided with quality, consistent, and accurate information and to minimize disparities in the type of information presented. The format also ensures the probation officer complies with current laws and standards regarding the composition of these reports.

- 3.2 Preparation of Reports after Waiver -- A probation officer shall prepare a report that meets the statutory requirements for a presentence investigation when a defendant is sentenced to the Department of Correction without consideration of a presentence report.**

A court may sentence a person convicted of a Class D felony without considering a presentence report prepared by a probation officer. However, if a defendant is committed to the Department of Correction or a community corrections program under IC 35-38-2.6, the probation officer shall prepare a report that meets the requirements of IC 35-38-1-9 to be sent with the offender to the department in lieu of the presentence investigation report.

- 3.3 Local Policies -- Departments shall maintain written policies and procedures governing the initiation and completion of PI/PDR/PSI reports.**

Guidelines help minimize disparities in the type of information presented to the court and help ensure quality reports. Such guidelines should be developed in collaboration with the court as a supplement to the state standards.

- 3.4 Interview -- A probation officer shall interview the individual before preparing and filing the PI/PDR/PSI report.**

- 3.5 Victim/Witness Notification -- Probation officers shall provide notice to victims and witnesses as required by statute.**

Notice to a victim/witness includes, but is not limited to, the following: notice of the time and date of the sentencing/disposition hearing and the right to make a statement to the court (I.C. 35-38-1-8.5 and I.C. 35-40-6-9); notice of the right to receive information from the Indiana Department of Correction regarding when the offender is to be released from prison, released on parole, is to have a parole release or violation hearing, has escaped, or is going into a temporary release program. I.C. 11-13-3-3(e) requires that the probation officer inform the victim/witness of this right at the time of conducting the presentence investigation. The probation department shall forward the most recent list of addresses and phone numbers of victims to DOC within five days of receipt of the information from the victim.

3.6 Recommendations -- The PDR/PSI shall include a summary and evaluation of the information contained in the report and shall include recommendations for the court to consider in sentencing or disposition.

The presentence/predisposition report shall address the needs of the individual. Supervision, treatment issues, and special conditions applicable to the individual shall be addressed in his/her conditions of probation.

3.7 Verification -- Information obtained during an investigation that may be considered by a court shall be verified when feasible and cited in any report prepared and filed with the court.

Verification is needed to ensure the accuracy and credibility of the information contained in the PDR/PSI. The report shall specify what information has been verified and the source of verification.

3.8 Supervisor Review -- The department shall have procedures to review and audit PDR and PSI reports prepared by probation officers.

Supervision of the investigation process ensures quality control and consistency. It also ensures that the needs of the individual, the court, and the community are met in accordance with established policies and procedures.

3.9 Completion of Reports -- The PDR/PSI shall be filed in a timely manner as determined by the court and as required by statute.

3.10 Disclosure of the Presentence Report -- Disclosure of the presentence investigation report is governed by statute and shall only be released in accordance with the statute, by local order, or by authorization of the person who is the subject of the report.

Probation departments may get requests for PSIs from prosecutors outside of the county; state, federal and local law enforcement; service providers and others. Unless disclosure is permitted under IC 35-38-1-13, a probation officer who receives such a request shall confer with the supervising judge.

Under I.C. 35-40-5-6(b), a victim has the right to read the presentence report relating to the crime against the victim. The victim does not have the right to read parts of the presentence report which contain confidential information, the source of confidential information, or information about another victim.

3.11 Disclosure of the Predisposition Report -- Disclosure of the predisposition report is governed by statute and shall only be released in accordance with statute, by court order, or by authorization of the parent, guardian, or custodian of the person who is the subject of the report.

Probation departments may get requests for PDRs from prosecutors outside of the county; state, federal and local law enforcement; service providers, schools and others. Unless disclosure is permitted under IC 31-37-17-6, a probation officer who receives such a request shall confer with the supervising judge.

D. Supervision Standards

- 4.1 Indiana Youth and Risk Assessment Systems -- Departments shall use the Indiana Youth Assessment System (IYAS) and the Indiana Risk Assessment System (IRAS), and corresponding INCite applications in accordance with all policies adopted by the Judicial Conference of Indiana.**

Assessing persons under investigation and community supervision in a reliable and valid manner is a prerequisite for the effective supervision and treatment of these individuals. Timely, relevant measures of risk and need of persons under community supervision at the individual and aggregate level are essential for the implementation of numerous principles of best practice in corrections.

- 4.2 Supplemental Assessment Tools -- Departments shall use supplemental assessment tools to assist in developing individualized case plans when specific risk, need, or responsivity factors are identified by an IYAS/IRAS assessment.**

Supplemental assessment tools for specific populations of persons under investigation or community supervision can aid the probation officer in identifying specific risk, need, and responsivity factors. Examples of supplemental tools include specific risk assessments for sex offenders, domestic violence, mental health screening, substance use, education level, etc.

- 4.3 Case Classification and Case Plans -- Departments shall use the results of the IYAS/IRAS and supplemental assessments to:**
- a. provide the court with information regarding risk, need and responsivity factors and recommendations for supervision;**
 - b. assign probationers to supervision by risk level;**
 - c. create individualized case plans for probationers that target criminogenic needs; and**
 - d. make further recommendations to the court regarding sanctions for violations, programs, services, and discharge of a probationer.**

- 4.4 Expectations for Supervision -- A probation officer shall review the conditions of probation with each probationer as soon as possible after the sentencing or disposition hearing.**

- 4.5 Workload Measures -- Probation departments shall measure their workloads according to policies adopted by the Judicial Conference of Indiana and analyze the results to determine staffing needs.**

- 4.6 Contact Requirements -- Probation officers shall maintain contact with their probationers according to the minimum contact standards adopted by the Judicial Conference of Indiana.**

A system of regular meetings between assigned probation officers and probationers serves a number of purposes. It holds the probationer to the level of accountability associated with their risk of re-offending while on probation; it provides the means for officers to obtain updated information about the probationer; and it affords the opportunity to address relevant issues with the probationers.

- 4.7 Use of Evidence-Based Practices in Contacts -- Departments shall use evidence-based practices when interacting with probationers, including:**
- a. redirecting anti-social attitudes/beliefs and affirming pro-social attitudes/beliefs;**
 - b. teaching concrete problem-solving skills;**
 - c. using practice sessions to enhance skill building;**
 - d. using incentives and sanctions;**
 - e. using thinking reports;**
 - f. using motivational interviewing techniques; and**
 - g. using effective communication skills.**

Evidence-based practices, when applied to a variety of offender populations, reliably produce sustained reductions in recidivism. Routinely applying these practices with fidelity during the course of supervision promotes a greater likelihood of successful outcomes in risk reduction.

- 4.8 Accountability -- Departments shall develop and maintain a procedure to ensure the accuracy of workload reporting and the quality of supervision.**

This can be accomplished with a system of internal reporting, at regular intervals, that includes caseload audits and case conferences between assigned officers and supervisors.

- 4.9 Programs and Services -- Departments shall cooperate with public and private agencies and other persons concerned with the treatment or welfare of persons on probation, and assist probationers in obtaining services from those agencies and persons.**

In order to fulfill this duty departments and probation officers should develop networks and foster close relationships with local treatment providers, employment agencies, school systems and other sources. Departments can encourage agencies to develop programs and services aimed at reducing recidivism.

- 4.10 Case Plan Contents -- Each supervision plan shall have specific objectives based on the individual's needs and special conditions.**

- 4.11 Case Plan Focus -- Individualized case plans shall focus on the most significant criminogenic needs as identified by the IYAS, IRAS, and supplemental assessments. The plan shall prioritize and address criminogenic needs rated moderate or higher with special emphasis on addressing anti-social attitudes, values, and beliefs.**

- 4.12 Review of Case Plans -- Individualized case plans shall be reviewed and updated periodically following significant and/or repetitive violations of community supervision and any risk/needs reassessment.**

Ongoing review and updating of an individualized case plan is imperative as the risk and needs of a person under community supervision changes throughout the course of supervision. The ability to effectively address the risk and needs associated with each individual as areas of concern change promotes long-term success in reducing the overall risk the person poses to the community.

- 4.13 Case Plan Input -- Individualized case plans shall be developed with input from the probationer and communicated to the probationer.**

A probation officer has the responsibility to assist the probationer in achieving constructive change. The plan requires the probationer's input and commitment in order to maximize the potential for a successful supervision. Supervision of a juvenile should include case plan input from the juvenile's parents, guardians or custodians.

4.14 Collateral Contacts and Verification -- Probation officers shall complete collateral contacts and verify information about probationers that is important to the supervision process.

Sources for collateral contacts include: family, friends, school officials, therapists, and employers. A potential benefit of these contacts is developing alliances to reinforce the rehabilitation process, in order to better understand the probationer.

Verification of information about probationers is important because the information is valuable to the supervision process and to authorities if apprehension is necessary. The accuracy of this information is often critical to probation officers' judgments and recommendations.

4.15 Documentation -- Probation officers shall maintain accurate records of the progress of each person under supervision.

Case records are essential to the effectiveness of probation services. The orderly recording, management, and maintenance of file documents and case progress provides the means to make intelligent judgments throughout the supervision period. The information facilitates performance assessment and the planning process, and provides the means to formulate conclusions about individuals who return to the system.

4.16 Probation Officer/Probationer Communications -- Probation officers shall exercise care in their conversations with probationers in order to avoid influencing their political, religious, or legal decisions and should avoid inquiry into matters unrelated to their supervision.

Probation officers shall keep the relationships and all conversations with the probationers on a professional level.

4.17 Cooperation with Law Enforcement -- Departments shall establish and maintain effective communications with law enforcement for the exchange of information relative to probationers' potentially illegal activities.

If a probationer returns to criminal or delinquent activity, information in the probation case file may be of help to the law enforcement personnel who are conducting the investigation. Care must be taken to follow any limitations on disclosure that may exist by statute, rules or court policy.

4.18 Searches -- Departments shall have clearly established policies, approved by the court, that govern searches of probationers and their property. These policies shall conform to the criteria established by case law.

Courts routinely require probationers to waive their Fourth Amendment rights related to search and seizure, as a condition of probation. Departments need to establish legal guidelines in order to keep their officers from violating probationers' constitutional rights.

4.19 Probation violations -- Probation officers shall notify the court when a violation of a condition of probation occurs.

Probation officers shall notify the court, in a timely manner, when a violation of a condition occurs. Undetected violations create a risk to public safety and undermine the

Court's credibility. Aggressive strategies should be developed for the detection of probation violations.

4.20 Absconders -- Departments shall take appropriate steps to locate probationers who make themselves unavailable for supervision.

If the risk to public safety is low, the appointed probation officer shall promptly make reasonable attempts to retrieve the individual without immediate use of the warrant process. However, if there is any potential of serious consequences resulting from delayed action, a warrant shall be immediately requested.

4.21 Transfer of Supervision -- Departments shall follow policies adopted by the Judicial Conference of Indiana, statutes and rules regarding intra-state and inter-state transfers of probation supervision.

Generally, probationers may be permitted to transfer supervision if they meet all legal requirements of the adult and juvenile Interstate Compacts, juvenile statutes, or policies for intrastate transfers of adults. Any transfer request shall be investigated and approved by the sentencing court and receiving state or county prior to transfer of probation supervision.

4.22 Early Termination -- Departments shall develop criteria, in cooperation with the court, for cases that merit early release from probation.

Low risk probationers, who have satisfied the terms of their sentence in advance of the scheduled discharge date, may have their supervisions terminated early in order to devote department resources to areas of greater need.

Early termination may also occur as a result of placement, commitment or imprisonment.

4.23 Exit Surveys -- Departments shall conduct exit surveys and analyze the results to improve the services provided to probationers.

An exit survey is one of the best methods to assess the performance of a department from the perspective of the probationer. A great deal of information can be derived from this action which can be used to aid in improving the performance of the department and raising the level of excellence in services and programs provided.

4.24 Sex Offender Registration -- Probation officers assigned to supervise a probationer who meets the statutory definition of a sex offender shall verify that the individual fulfills his or her obligation to register as a sex offender.

E. Political Affiliation

5.1 Employment -- Political affiliation shall not be a condition for/of employment or disqualification for employment as a probation officer.

5.2 Contributions -- Financial contributions to a political party shall not be required as a condition for/of employment as a probation officer.

5.3 Political Activity -- Political activity or membership in a political party shall be governed by the Code of Judicial Conduct adopted by the Supreme Court of Indiana.

Political activity, when appropriate, shall take place away from the office and any other employment location. No political activity is appropriate during working hours. Probation department staff should avoid any impression that their political expressions represent the department or any other person. No governmental property shall be used for any political purposes.

Court employees, including probation officers, may not run for or hold partisan elective office or hold office in a political party's central committee. Court employees, including probation officers, may be a candidate for non-partisan elective office, provided that the employee complies with the requirements of the Code of Judicial Conduct concerning performance of duties and conflict of interest. However, probation officers who wish to run for the non-partisan elective office of school board member should seek approval from the supervising judge prior to declaring an intention to run [See Klunk v. St. Joseph, 170 F. 3rd 772 (7th Cir. 1999)].

The appointing court(s) may enforce other limitations on political activity.

5.4 Political Expression -- Political expression by a probation officer shall not occur in a probation officer's supervision of a case.

F. Code of Conduct for Indiana Probation Officers

The people of Indiana expect of probation officers: unfailing honesty; respect for the dignity and individuality of human beings; and a commitment to professional and compassionate service. To this end, probation officers of Indiana subscribe to the following principles:

(1) Probation Officers Shall:

- a. Follow the directives of the Court, respecting its authority and recognizing at all times that they are an extension of the Court.
- b. Make available, for review by the Court, accurate records and all case information in order to assist in sound decisions affecting both the probationer and public safety.
- c. Serve each case with sincere concern and objectivity for the probationer's welfare without purpose of personal gain, and with respect for the probationer's human, civil and legal rights.
- d. Respect the importance of all elements of the criminal justice system, while cultivating relationships, promoting mutual respect, improving the quality of service, and furthering professional cooperation.
- e. Respect the rights of the public to be safeguarded from criminal/delinquent activity, while respecting the community's right to know, and at the same time balancing the public good with the probationer's rights of privacy.
- f. Without reservation, report any corrupt or unethical behavior which could affect either the integrity of the department or the status of the probationer.
- g. Maintain the integrity of private information by not seeking personal data beyond that needed to perform his/her duties, and only disclose case information as allowed by statutes, rules and departmental policies.
- h. Make clear those public statements that are personal views as opposed to those statements and positions that are on behalf of a department.

(2) Probation Officers Shall Not:

- a. Use official position to secure privileges or advantages, or promote any partisan political activity.
- b. Make critical statements of colleagues or their departments unless constructive in purpose.
- c. Allow personal interest to impair the objectivity that is required in their official capacity.
- d. Accept any gift or favor that may imply an obligation that is inconsistent with the free and objective performance of professional duties.
- e. Discriminate against any employee, prospective employee or probationer on the basis of race, sex, religion, national origin, age, disability, personal characteristics or status.
- f. Use speech, gestures or other conduct that could reasonably be perceived as sexual harassment.
- g. Make any public comment regarding a proceeding pending or impending in any court regarding supervision of any probationer.

(3) Enforcement Procedures:

- a. The Chief Probation Officer or other probation officer appointed by the judge(s) will investigate reports of violations of the Code of Ethics. A written report with the results of the investigation shall be given to the judge(s) and the accused probation officer.
- b. If the probation department or a probation officer is accused of a violation of the Code of Conduct for Indiana Probation Officer, the supervising judge(s) should seek an opinion from the Judicial Qualifications Commission regarding the conduct in question. The judge(s) may make any appropriate disposition including, but not limited to, dismissal of the charges, discipline or removal of the probation officer from office.
- c. Probation Officers shall be subject to sections of the Code of Judicial Conduct that are applicable to court employees. The Code of Judicial Conduct supersedes the Code of Conduct for Indiana Probation Officers, if there is a conflict between the two codes.
- d. Any disciplinary action which results in a probation officer being relieved of his/her position shall be reported to the Indiana Judicial Center.

III. References and Citations

Caveat: The citations are for reference only and are not purported to be an exhaustive listing. Additionally, no mention is made of any relevant federal statutes or regulations. Please check the statutory supplements for updates. Copies of documents promulgated by the Judicial Conference of Indiana are available, upon request, from the Indiana Judicial Center.

- A. **Administrative Standards:** See generally, IC 11-13-1 et seq.
- 1.4 **Release of Information:** The following are related Indiana statutes: IC 35-38-1-13; IC 35-38-1-14; IC 35-38-1-10.5; IC 31-39-2 et. seq.; IC 5-2-5 et seq. & IC 5-2-5.1 et seq. (release of data to criminal justice agencies).
- 1.7 **Probationer Needs Assessment:** The following is related Indiana authority: Probation Case Classification & Workload Measures System For Indiana, Indiana Judicial Conference Board of Directors, adopted September 16, 1993, effective January 1, 1995.
This document contains optional needs assessment forms.
- 1.12 **Records Management:** The following are related Indiana statutes: IC 5-15-1 et seq. & IC 5-15-5.1 et seq. (management of public records); IC 35-38-1-13; IC 35-38-1-14; IC 31-39-2 et. seq.; IC 35-38-1-10.5; IC 5-2-5 et seq.; IC 5-2-5.1 et seq.; Indiana Administrative Rule 7 "Criminal (2)"; Ind. Admin. Rule 7 "Family Law (4) Juvenile Courts".
- 1.15 **Minimum Salary Schedule:** The following is related Indiana authority: IC 11-13-1-8(b)(2); Schedule of Minimum Salaries for Probation Officers, Judicial Conference of Indiana, Adopted June 14, 1996; revised 2004.
- B. **Training Standards:** See generally, IC 11-13-1-8(f); Certification Proposal, Judicial Conference of Indiana, Adopted September 12, 1996; Qualifications for Probation Officers, Judicial Conference of Indiana, Effective July 1, 1984.
- C. **Investigation Standards:** See generally, IC 11-13-1-3; IC 35-38-1-8; IC 35-38-1-9; IC 31-37-17 et. seq.; IC 31-34-18 et. seq.; Standard Indiana Presentence Investigation Report, approved by the Judicial Conference of Indiana Board of Directors on March 1993; Standard Indiana Preliminary Inquiry & Predispositional Report, approved by the Judicial Conference of Indiana Board of Directors on December 8, 1994.
- 3.4 **Presentence/Predisposition Report Preparation:** The following are related Indiana statutes: IC 35-38-1-8; IC 35-38-1-9; IC 35-38-1-14; IC 35-38-2.6-3; IC 31-37-17 et. seq; IC 31-34-18 et. seq.
- 3.6 **Victim/Witness Notification:** The following are Indiana statutes related to victim notification: IC 35-38-1-8.5; IC 35-38-1-9; IC 35-40-6-9; I.C. 11-13-3-3(e); See also, Standard Indiana Preliminary Inquiry & Predispositional Report, approved by the Judicial Conference of Indiana Board of Directors on December 8, 1994.
- 3.10 **Completion of the Presentence Report:** IC 35-38-1-12 is a related Indiana statute.

- 3.11 **Completion of the Predisposition Report:** IC 31-37-17 et. seq. & IC 31-34-18 et. seq. are related Indiana statutes.
- 3.12 **Disclosure of the Presentence Report:** See IC 35-38-1-13 and IC 35-40-5-6(b).
- 3.13 **Disclosure of the Predisposition Report:** The following are related Indiana statutes: IC 31-37-17 et. seq.; IC 31-34-18 et. seq.; IC 31-39-2-9.
- D. **Supervision Standards:** See generally, IC 11-13-1-3; Probation Case Classification & Workload Measures System For Indiana, Indiana Judicial Conference Board of Directors, adopted September 16, 1993, effective January 1, 1995.
- 4.1 **Expectations Defined:** The following are related Indiana statutes: IC 35-38-2-2.3(b); IC 11-13-1-3(4).
- 4.5 **Programs and Services:** See, IC 11-13-1-3(8).
- 4.8 **Documentation:** See, IC 11-13-1-3(9).
- 4.11 **Cooperation with Law Enforcement:** The following are related Indiana statutes: IC 5-2-5 et seq. & IC 5-2-5.1 et seq. (release of data to criminal justice agencies).
- 4.12 **Searches:** See e.g., Carswell v. State, 721 N.E.2d 1255 (Ind.Ct.App. 1999); Purdy v. State, 708 N.E.2d 20 (Ind.Ct. App. 1999); Rivera v. State, 667 N.E.2d 764 (Ind.Ct.App. 1996).
- 4.15 **Supervision Transfers:** The following are related Indiana statutes: IC 11-13-4.5-1 through IC 11-13-5-4; IC 11-13-1-3(11).
- 4.17 **Sex Offender Registration:** The following are related Indiana statutes: IC 11-8-8

Section E. Political Affiliation and Section F. Code of Conduct for Indiana Probation Officers are adapted from the Judicial Code of Conduct and Advisory Opinions from the Judicial Qualifications Commission.